

ASSEMBLY BILL

No. 598

Introduced by Assembly Member Mullin

February 21, 2007

An act to amend Sections 56520, 56521, and 56523 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 598, as introduced, Mullin. Special education: behavioral interventions.

Existing law sets forth certain provisions regarding the use of behavioral interventions with individuals with exceptional needs and, among other things, requires the Superintendent of Public Instruction to monitor and supervise the implementation of those provisions and requires the Superintendent to develop, and the State Board of Education to adopt, regulations governing the use of appropriate behavioral interventions with individuals with exceptional needs receiving special education and related services.

This bill would also require the Superintendent to report to the Legislature on the implementation of those provisions relating to behavioral interventions.

This bill would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56520 of the Education Code is amended
2 to read:

1 56520. (a) The Legislature finds and declares all of the
2 following:

3 (1) That the state ~~has~~ continually *has* sought to provide an
4 appropriate and meaningful educational program in a safe and
5 healthy environment for all children regardless of possible physical,
6 mental, or emotionally disabling conditions.

7 (2) That teachers of children with special needs require training
8 and guidance that provides positive ways for working successfully
9 with children who have difficulties conforming to acceptable
10 behavioral patterns in order to provide an environment in which
11 learning can occur.

12 (3) That procedures for the elimination of maladaptive behaviors
13 shall not include those deemed unacceptable under Section 49001
14 or those that cause pain or trauma.

15 (b) It is the intent of the Legislature:

16 (1) That when behavioral interventions are used, they be used
17 in consideration of the pupil's physical freedom and social
18 interaction, be administered in a manner that respects human
19 dignity and personal privacy, and that ensure a pupil's right to
20 placement in the least restrictive educational environment.

21 (2) That behavioral management plans be developed and used,
22 to the extent possible, in a consistent manner when the pupil is
23 also the responsibility of another agency for residential care or
24 related services.

25 (3) That a statewide study be conducted *and submitted to the*
26 *Legislature* of the use of behavioral interventions with California
27 individuals with exceptional needs receiving special education and
28 related services.

29 (4) That training programs be developed and implemented in
30 institutions of higher education that train teachers and that
31 in-service training programs be made available as necessary in
32 ~~school~~ districts and county offices of education to assure that
33 adequately trained staff are available to work effectively with the
34 behavioral intervention needs of individuals with exceptional
35 needs.

36 SEC. 2. Section 56521 of the Education Code is amended to
37 read:

38 56521. (a) This chapter applies to ~~any~~ *an* individual with
39 exceptional needs who is in a public school program, including a
40 state school for the disabled pursuant to Part 32 (commencing with

1 Section 59000), or who is placed in a nonpublic, *nonsectarian*
2 school program pursuant to Sections 56365 to 56366.5, inclusive.

3 (b) ~~The Superintendent of Public Instruction shall monitor and,~~
4 supervise, *and report to the Legislature on* the implementation of
5 this chapter.

6 SEC. 3. Section 56523 of the Education Code is amended to
7 read:

8 ~~56523. (a) On or before September 1, 1992, the~~
9 ~~Superintendent of Public Instruction shall develop and the State~~
10 ~~Board of Education~~ *board* shall adopt regulations governing the
11 use of behavioral interventions with individuals with exceptional
12 needs receiving special education and related services.

13 (b) The regulations shall do all of the following:

14 (1) Specify the types of positive behavioral interventions which
15 may be utilized and specify that interventions which cause pain
16 or trauma are prohibited.

17 (2) Require that, if appropriate, the pupil's individual education
18 plan includes a description of the positive behavioral interventions
19 to be utilized which accomplishes the following:

20 (A) Assesses the appropriateness of positive interventions.

21 (B) Assures the pupil's physical freedom, social interaction,
22 and individual choices.

23 (C) Respects the pupil's human dignity and personal privacy.

24 (D) Assures the pupil's placement in the least restrictive
25 environment.

26 (E) Includes the method of measuring the effectiveness of the
27 interventions.

28 (F) Includes a timeline for the regular and frequent review of
29 the pupil's progress.

30 (3) Specify standards governing the application of restrictive
31 behavioral interventions in the case of emergencies. These
32 emergencies must pose a clear and present danger of serious
33 physical harm to the pupil or others. These standards shall include:

34 (A) The definition of an emergency.

35 (B) The types of behavioral interventions that may be utilized
36 in an emergency.

37 (C) The duration of the intervention which shall not be longer
38 than is necessary to contain the dangerous behavior.

39 (D) A process and timeline for the convening of an individual
40 education plan meeting to evaluate the application of the

- 1 emergency intervention and adjust the pupil's individual education
- 2 plan in a manner designed to reduce or eliminate the negative
- 3 behavior through positive programming.
- 4 (E) A process for reporting annually to the ~~State Department of~~
- 5 ~~Education~~ *department* and the Advisory Commission on Special
- 6 Education the number of emergency interventions applied under
- 7 this chapter.